

Student Disciplinary Policy

Document Control	
Document Type:	Policy
Department:	Curriculum
Relevancy:	The Manchester College
Owner:	Vice Principal - Curriculum
Approver:	Deputy Principal
Published Date:	September 2026
Version:	1
Accessible to Students	Yes
Security Classification:	External
Last Review Date:	August 2026
Next Review Date:	31st August 2027

Version	Date	Revisions
1.0	Sept 2026	Student Disciplinary Policy produced from the Student Disciplinary Procedures. Staff-only procedures removed.

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1. Purpose

The Manchester College wants every student to learn in a safe, respectful and positive environment. This student version explains the behaviour expected from you, what may happen if behaviour falls below expectations, and how you can access support during the disciplinary process.

The Deal explains the standards and behaviours expected from students at The Manchester College. For more information, visit The Deal | The Manchester College:

<https://www.tmc.ac.uk/student-guide/the-deal/>



2. Scope

This procedure applies to all students enrolled on a Programme of Study or course at The Manchester College. For 14 to 16-year-old students, such as Home Educated and Pupil Referral Unit students, the College will work with relevant partners when applying the procedure.

3. What students are expected to do

- Respect your campus, your classroom, your canteen, your social areas, they are there for you and please don't drop litter
- Behave considerately and respectfully towards other students, staff and members of the public, both on and off campus
- Follow The Deal and College policies, including expectations for attendance, punctuality, learning, safety and behaviour
- Take responsibility for your actions and engage with support if concerns are raised
- Attend meetings where requested, share your view, and provide any evidence or information you want the College to consider
- Follow any Improvement Action Plan or agreed actions after advice or a warning, meeting or hearing
- Continue to meet College expectations during trips, work placements, sports events, extended College activities, and when travelling to or from college.

4. What misconduct means

Misconduct means behaviour that does not meet College expectations. The College may take action for repeated lower-level concerns, one-off serious incidents, or behaviour that could affect safety, learning or the reputation of the College.

Term	What it means for students
Minor misconduct	Lower-level behaviour that causes disruption, disturbance or nuisance to others that negatively impact on your and others learning or affects health and safety. Examples might include repeated disruption, not following reasonable instructions or behaviour that affects yours and others' learning.
Serious misconduct	More serious behaviour, or behaviour that continues after support or warnings. This can include ongoing disruptive or abusive conduct, failure to follow College policies or procedures, failure to follow an action plan, or attendance concerns that have escalated beyond Attendance Monitoring Stage 2.
Gross misconduct	Behaviour that may lead to exclusion. Behaviour which may lead to exclusion from the College, including behaviour that brings the College into disrepute. The following acts are classed as Gross Misconduct: ➤ Persistent verbal abuse towards any other person, whether face to face, online or on social media ➤ Offensive language either verbally or online ➤ Any action that brings the college into disrepute, on-site or off-site ➤ Recording other students or staff without their permission ➤ Indecent behaviour ➤ Damage to property or Arson ➤ Use of illegal substances or misuse of other substances or intent to supply drugs ➤ Theft or damage to property ➤ Serious actual or threatened violence against another student or a member of staff ➤ Sexual abuse or assault ➤ Unacceptable behaviour which has previously been reported and for which college sanctions and other interventions have not resulted in positive behaviour ➤ Behaviour that falls under the Prevent Agenda ➤ Behaviour that disregards the health, wellbeing or safety of others including Public Health and/or community protection ➤ Carrying an offensive weapon or in possession of prohibited items (see below) ➤ Academic misconduct during examination ➤ Fraud

	➤ Misuse of AI tools and deep fake photos <i>*The acts above are not exhaustive and the college reserves the right to make the decision about whether or not any action constitutes gross misconduct</i>
Academic misconduct	Using, or intending to use, unfair means in a test, examination or coursework, helping someone else to do so, or plagiarism.
Attendance concerns	For 16 to 19 Study Programmes, attendance is managed through the Attendance and Punctuality Policy first. Persistent poor attendance without improvement can escalate to Stage D3. Adult students on adult courses will be managed under the Student Disciplinary Procedures for attendance.

The examples above are not a complete list. The College will decide what stage is appropriate based on the circumstances, seriousness and evidence available.

5. Strictly prohibited items

The following items must not ever be brought into the College.

- Knives and/or other weapons
- Alcohol
- Illegal/harmful substances*
- Stolen items
- Fireworks
- Pornographic or offensive material – either physical copy or viewed/shared online.
- Any article that has been or is likely to be used to commit an offence or cause personal injury or damage to property.
- Smoking or vaping inside college premises is prohibited.

6. Support and reasonable adjustments

The College will consider individual circumstances and reasonable adjustments when applying the disciplinary process. This includes support needs linked to SEND, EHCPs, being in care, care-leaver status, disability, health needs, pregnancy, wellbeing or other relevant circumstances.

All students are expected to meet the same high standards, but bespoke support and reasonable adjustments will be applied fairly and on an individual basis.

Where a student has an EHCP, SEND support needs or an agreed support plan, the College will consider these arrangements before making disciplinary decisions and may involve specialist support staff where appropriate.

Where a concern relates to non-engagement with agreed learning support, the College will normally speak with the student, explore any barriers and review the support arrangements before considering formal disciplinary action.

7. How communication works

The college will keep you informed of any concerns relating to your behaviours and progress in your studies. Where appropriate and in line with the student's circumstances, age, recorded contact permissions and any safeguarding considerations, the College may contact the student's next of kin (NOK) or identified support network. We encourage students, NOK and support networks to work with us so that behaviour concerns can be identified early and support can be put in place.

If there are ongoing concerns relating to your behaviour, the College will keep you informed and may also contact and meet with you and your NOK or support network where this is appropriate.

Student support network may consist of the following and must be included in all correspondence where appropriate:

- NOK of a student enrolled onto a 16-19 Study Programme, including those students age 16-24 with an EHCP (The NOK who attends any meetings in the college must match the NOK listed in the college system)
- Students with significant needs and/or EHCP.
 - Member of the learning support team
 - Career Connect
 - Youth Justice Service
- Students in care of the Local Authority (Looked After Children)
 - Social worker
 - Virtual School
- Pastoral / Safeguarding representative
- Translator

8. Disciplinary stages

Important: A student can enter the disciplinary process at any stage depending on their conduct or alleged conduct. In cases of serious or gross misconduct, the College may proceed directly to Stage D3 or D4 where proportionate and justified.

Decisions within any stage of the disciplinary process will be based on the balance of evidence available and will take account of the student's response, any mitigating factors and any agreed support arrangements.

Stage	When it may happen	What this means for students
Cause for Concern	Minor misconduct or early concern around low level behaviours.	A member of staff will speak to you and explain why the behaviour is unacceptable and how you can improve. Three 'Causes for Concern' can lead to Stage D1. Cause for concerns are logged on Promonitor
Stage D1 - Verbal Warning	Three Causes for Concern and/or minor misconduct, or where the severity means a D1 warning is appropriate.	You will have an informal one-to-one conversation. Expectations will be explained. If your behaviour does not improve within 2 weeks, this may escalate to D2. A Stage D1 verbal warning email will be sent to you (and your next of kin or support networks where appropriate)
Stage D2 - Formal Written Warning	Persistent minor misconduct, usually escalation from D1.	You (and your NOK/support network, where appropriate) will be invited to a formal meeting. You can explain your experiences and perspective before a decision is made. The outcome will be provided in writing, usually within 10 working days. If behaviour does not improve within 2 weeks, this may escalate to D3. You will receive both an invite email to the meeting and a Stage D2 meeting outcome email highlighting next steps.
Stage D3 - Disciplinary Hearing / Final Written Warning	Escalation from a stage D2 or attendance escalation from Attendance Monitoring stage 2 (see attendance and Punctuality Policy), or alleged serious misconduct.	You (and your NOK/support network, where appropriate) will be invited to have a face-to-face disciplinary hearing. Within the hearing you can respond to the concerns/allegations and present any evidence you feel is appropriate to support you. The outcome will be provided in writing, usually within 10 working days. D3 may affect progression to the next academic year. You will receive both an invite email to the meeting and a Stage D3 meeting outcome email highlighting next steps.
Stage D4 - Risk of Exclusion / Exclusion	Escalation from D3 or alleged gross misconduct.	You (and your NOK/support network, where appropriate) will be invited to a disciplinary hearing. Within the hearing you can respond to the concerns/allegations and present any evidence you feel is appropriate to support you. The main outcome at Stage D4 is usually exclusion. In rare instances this could be a Final Improvement Action Plan if mitigation is presented; a fixed-term exclusion with continued remote studies; transfer to an alternative programme or no case to answer. The outcome will be provided in writing, usually within 10 working days. You will receive both an invite email to the meeting and a Stage D4 meeting outcome email highlighting next steps.

Note: It is important that you check your college email on a regular basis for any communications from college. Students will normally receive advance notice of formal disciplinary meetings and hearings, unless exceptional circumstances require more urgent action.

8.1 What happens at a disciplinary meeting or hearing

- You will be told the concern or allegation and will be given a summary of evidence before the hearing
- The College's disciplinary process is an internal procedure. Students do not have the right to legal representation at an investigation meeting, disciplinary hearing or appeal hearing.
- Formal meetings and hearings will normally take place face to face. However, the College may arrange a meeting online where this is necessary because of reasonable safety concerns, including allegations involving threats, violence or aggression, or as a reasonable adjustment.
- At the start of the hearing, the chair will explain the purpose of the meeting, introduce those attending and clarify their roles. A note-taker will normally attend to produce a summary of the discussion. The member of staff presenting the concern or allegation may also attend.
- You are responsible for providing any additional evidence you want the College to consider
- You will have the opportunity to state your case, including any mitigating factors, before a decision is made
- The College will consider the evidence, your response, previous history, and any reasonable adjustments
- Meetings and hearings must not be audio-recorded, video-recorded, photographed or otherwise recorded without permission
- The College will normally make a written summary of formal disciplinary meetings and hearings. The notes will not be a word-for-word transcript but will provide a record of the key matters discussed, the student's response and the outcome or agreed next steps.
- If a student, Next of Kin or supporting individual behaves inappropriately during a meeting or communication, the meeting or communication may be ended (after a warning and if behaviour continues).
- Where a Next of Kin attends, they must be listed on the college systems to be present.

Note: Formal disciplinary meetings will normally only be rearranged once. If you do not attend the rearranged meeting without good reason, the College may make a decision based on the available evidence.

8.2 Disciplinary stage D3 and D4 and progression within the college

If you reach Stage D3 or D4, the College will review your progress at the end of the year. This review may affect whether you can move on to the next academic year at the College or not. The decision will take account of when you entered the disciplinary stage, your behaviour since then, how ready you are to continue learning, and any other relevant information set out in the College Admissions Policy.

8.3 Serious or gross misconduct and suspension

- Before a disciplinary hearing for alleged serious or gross misconduct, the College may carry out a formal investigation. This may include gathering evidence, speaking with witnesses and meeting with the student concerned. Students will have an opportunity to explain their account and provide relevant evidence before a decision is made about whether disciplinary action should proceed.
- Students may also raise relevant concerns or counter-allegations during an investigation. The College will decide whether these should be investigated separately or considered as part of the disciplinary process.
- Investigations will be conducted fairly and impartially and will aim to be completed within 10 days. This may take longer where the matter is complex, witnesses are unavailable, College holidays intervene, safeguarding or police involvement applies, or further evidence is required.
- Where the matter is referred to a Stage D3 or D4 hearing, the College will aim to arrange the hearing promptly following completion of the investigation.
- The person investigating the allegation will gather and consider relevant evidence but will not determine the disciplinary sanction. Where the matter proceeds to a disciplinary hearing, the decision will be made by the manager chairing the hearing after considering the evidence and the student's response.
- Following an investigation, the College may decide that:
 - there is no case to answer;
 - support or other appropriate interventions should be offered; or
 - there is sufficient evidence for the matter to proceed to a disciplinary hearing.
- Suspension may be considered where the alleged misconduct is serious, may put others at risk, or where it is needed to allow a fair investigation.
- A suspension is a neutral act and does not mean a decision has already been made. It allows time for an investigation and helps protect the health and safety of staff and students or prevent interference with evidence.
- Suspensions should be kept as brief as possible and should not normally exceed 15 working days, unless there are exceptional circumstances such as police involvement. Suspended students must follow the conditions of the suspension. Failure to do so may be considered at the disciplinary hearing.

- During suspension the College will normally provide work and appropriate support to help students continue their learning where possible. Students should submit their work within the deadlines set by their teacher, so this can be marked and given feedback.

8.4 Possible outcomes from across the disciplinary stages

Outcome	What it means
No case to answer (could apply to each stage)	The student returns and the disciplinary stage is not applied.
Stage D1&D2 Verbal or written warning & Improvement Action Plan	The student is told what must improve and what may happen if there is no improvement. Actions and expectations are set to help improvement. The student must follow the Improvement Action Plan.
Stage D3 Final Written Warning & Improvement Action Plan	A serious warning that may affect progression and may escalate to D4 and possible exclusion if there is no improvement. Actions and expectations are set to help improvement. The student must follow the Improvement Action Plan.
Stage D4 Exclusion	The student is excluded from their current studies. Where appropriate, they may be directed to external agencies for advice and guidance to discuss next steps.
Stage D4 Fixed-term exclusion from campus	A rare outcome is where the student continues their studies remotely with support for a defined period. Only if they are at the very end of their course (within 4 weeks) and its feasible and safe to do so.
Stage D4 Final Improvement Action Plan	A rare outcome is a final Improvement Action plan. Failure to meet or maintain the action plan within the given time frame it may result in exclusion.
Stage D4 Transfer	A rare outcome is a transfer to an alternative programme if this is feasible and safe to do so.

9. Request to return to the college following exclusion:

Students excluded for Persistent Misconduct

Following a 12-week period from the date of exclusion, a student who has been excluded for persistent misconduct may request to return to the College for the following academic year. To do so, the student must submit a written request to the Principal using the Student Request to Return Form (Appendix 1).

Students excluded for Gross Misconduct

A student who has been excluded for gross misconduct may not apply to return to the College until 12 months have elapsed from the date of exclusion. Any request to return must be submitted in writing to the Principal using the Student Request to Return Form (Appendix 1). The College reserves the right to refuse any application where the circumstances of the exclusion are considered incompatible with readmission.

10. Appeals Procedure

Scope of the appeal

- A student may only appeal against a Stage D4 exclusion (see hearing and outcome section below)
- There is no appeal process for the outcome of Stage D1, Stage D2 and Stage D3 disciplinary sanctions

Grounds for Appeal

- An appeal may only be made on one or more of the following grounds, anything outside of the below will not be deemed as grounds:
 - **Procedural Integrity** – the disciplinary process was not followed correctly, and this may have affected the outcome
 - **New Evidence** – relevant evidence has become available that could have not been reasonably presented at the original hearing
 - **Disproportionate Outcome** – the sanction imposed is not reasonable in relation to the nature or seriousness of the misconduct.

Submitting an Appeal

- The student must complete the appeals form (see Appendix 1) detailing the grounds for the appeal within 10 working days from the date of the Stage D4 outcome email
- This should be addressed to the Assistant Principal of the area, stating clearly the grounds for appeal and providing any supporting evidence
- Important note on evidence requirements; appeals must include all relevant supporting evidence at the time of submission. Appeals submitted without evidence to support the stated grounds will be declined. The College reserves the right to decline an appeal if no new, relevant, or substantive evidence is provided.

Hearing and Outcome

- The appeal will be reviewed and considered by a member of the Principalship team.
- The Principalship team reserve the right to decline an appeal if it is determined that the grounds or supporting evidence are insufficient, or the evidence of behaviour resulting in the exclusion is considered too serious to be heard.
- If it is deemed, following consideration, that the appeal does not meet the grounds for appeal criteria, a decision will be taken not to hear the appeal, with this being communicated to the student and/or relevant Next of Kin (where applicable)
- If it is decided to proceed with the appeal, the chair should follow the procedure for conducting an appeal. The student will have the opportunity to present their case
- In rare circumstances Principalship may decide to hold the appeal hearing online, if this is the case, arrangements will be made to allow this to happen
- An appeal hearing may be adjourned if further evidence is presented or if clarification is required
- Following the appeal hearing, one of the following outcomes will be reached:
 - Appeal not upheld and retain the original disciplinary decision
 - Appeal partially upheld/upheld – reduce or remove the sanction or refer the matter for reconsideration under the disciplinary procedure
- Once the appeal has been considered and a decision has been made by a member of the Principalship team, students will be informed of the outcome in writing. This written confirmation is usually sent within 10 working days
- The outcome of the appeal is final, and no further appeal will be permitted under The College's procedures. Additionally, this will not constitute grounds for lodging a complaint.
- If students are not happy with the outcome of the appeal, they have the right to lodge a complaint with the Department for Education using their online complaint form.

Note: An appeal is a review of the original decision against the grounds submitted by the student. It is not normally a complete rehearing of the original case.

11. Other important information

Safeguarding concerns will be referred to the College's Designated Safeguarding Lead for assessment and intervention. The safety and welfare of students is prioritised over disciplinary action.

The College reserves the right to report criminal or potentially criminal activity to the police and/or advise victims of such activity of their right to do so. In exceptional circumstances, disciplinary action may be deferred until criminal proceedings are known.

Students may be disciplined for off-site conduct where behaviour affects the College, the wider community, other students or staff, or College-related activities such as work experience, trips, sports events or travel to and from the college.

12. Associated Policies, Procedures and Strategies

- Student Positive Behaviour Policy
- Safeguarding Policy and Procedure
- Attendance and Punctuality Policy
- Equality, Diversity and Inclusion Policy
- Stop and Challenge Policy
- The Deal
- Special Educational Needs and Disabilities (SEND) Policy
- Compliments and Complaints Policy
- Support for Continuing Studies Policy
- Access Control – Suspension and exclusions
- TMC At Risk Policy

13. Equality Impact Assessment (EIA)

Are there concerns this procedure could have an adverse impact?	Response	If Yes, is action required?
Age	No	
Disability	No	
Gender reassignment	No	
Marriage or civil partnership	No	
Pregnancy and maternity	No	
Race	No	
Religion	No	
Sex	No	
Sexual orientation	No	
Person responsible for EIA	Stuart Steen	
EIA Outcome & statement	This student-friendly procedure explains the process for student disciplinarys and is intended to ensure that students who may be subject to disciplinary procedures are dealt with in a fair and equitable manner and that protected characteristics are not disadvantaged.	

Appendix 1

Forms	
Stage D4 Student Appeal Procedure and Form	Link
Student Request to Return Form to the Principal	Link